

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

WAFIK AL TAWEL,

Plaintiff(s),

v.

EDWARD NEWMAN, et al.,

Defendant(s).

Hon. Hugh B. Scott

1:13-cv-00554-RJA-HBS

Scheduling Order

Pursuant to the order of the Hon. Richard J. Arcara, this case was referred to the undersigned for pretrial procedures and the entry of a scheduling order as provided in Rule 16(b) of the Federal Rules of Civil Procedure and Rule 16.1(a) of the Local Rules of Civil Procedure for the Western District of New York. A scheduling conference having been held with counsel, it is ORDERED THAT:

1. All motions to join other parties and to amend the pleadings shall be filed on or before ***September 6, 2013***.
2. This case has been referred automatically to the Alternative Dispute Resolution (ADR) program. The ADR Plan and related forms and information are available at www.nywd.uscourts.gov and the Court Clerks Office.
 - a. ***Within twenty eight (28) days of the entry of this Order***, the parties shall confer and select a mediator, confirm that the mediator is available, ensure that the mediator does not have a conflict with any of the parties in the case, identify a date and time for the initial mediation session, and file a stipulation confirming their selection on the form provided by the Court. If the parties fail to so stipulate, the Court shall appoint an ADR neutral.
 - b. Any motions to opt out of the ADR process shall be filed ***within fourteen (14) business days of the entry of this Order***.
 - c. The initial mediation session shall be held no later than ***October 30, 2013*** (or ***within 84 days*** after the scheduling conference).

d. The referral to mediation shall terminate on **August 7, 2014**. In the event that settlement is not reached, the case will progress toward trial, as scheduled below.

e. **The referral of this case to mediation will not delay or defer other dates contained in this Scheduling Order and has no effect on the progress of the case toward trial.**

3. All discovery in this case shall conclude on **February 7, 2014**. All motions to compel shall be due at least **30 days prior** to that discovery cutoff date.

4. The plaintiff shall identify experts and provide written reports in compliance with Rule 26(a)(2), as amended in 1993, no later than **December 12, 2013**; the defendant shall identify experts and provide written reports in compliance with Rule 26(a)(2), as amended in 1993, no later than **January 27, 2014**. See Rule 26 of the Local Rules for the Western District of New York as amended effective December 1, 1994. All expert discovery shall be completed on or before **February 7, 2014**.

5. In the event settlement is not effectuated through mediation, dispositive motions, if any, shall be filed no later than **May 8, 2014**. **If no dispositive motions are filed, and no other motions are pending as of that date, the parties are directed to contact the Chambers of Hon. Richard J. Arcara within 10 days to request a trial date status conference**

6. No extension of the above cutoff dates will be granted except upon written joint motion, filed prior to the cutoff date, showing good cause for the extension.

Counsel's attention is directed to Fed. R. Civ. P. 16(f) calling for sanctions in the event of failure to comply with any direction of this Court.

SO ORDERED.

Buffalo, New York
August 7, 2013

/s/ Hugh B. Scott
United States Magistrate Judge
Western District of New York